IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL No: 1895 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 7-2-2003 in W.P. No: 2322 OF 2003 on the file of the High Court.)

Between:

B.Ramalaxmi, w/o late Balram,
r/o Domakonda, Nizamabad District.

..... APPELLANT

AND

1 The Superintending Engineer, N.P.C.P.D.C.L., (Operation) Construction Division, Kamareddy, Nizamabad District.
2 The Chief General Manager (HRD), NPCPDCL, Warangal.
3 The Divisional Engineer, Electrical Operation & Construction Division, NPCPDCL, Kamareddy, Nizamabad District.

.....RESPONDENTS

Counsel for the Appellant: MS.R.ANNAPURNA

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court made the following:

ORAL ORDER (PER GB,J.)

The Writ Appeal is filed against the order dated 7-2-2003 passed by the learned single Judge in W.P.No.2322 of 2003.

2. The matter relates to the compassionate appointment. The employee died on 16-8-1994. However, the appellant viz., the wife of the employee filed an application immediately on 14.12.1994 seeking employment but however, it appears that no action was taken. In the meanwhile, her son became major and she renewed her request to give employment to her son, but ultimately, her case was rejected. Against the inaction of the respondents she approached this Court by filing W.P.No.2322 of 2003 seeking appropriate relief.

3. Learned single Judge after considering the matter, dismissed the Writ petition by observing as follows:

> "As could be seen from the material on record by letter dated 3-7-2002, petitioner was intimated that his request for appointment on compassionate grounds, which was already rejected by the respondent by Memo dated 30-10-2002 needs no reconsideration. In the Memo dated 30-10-2001, the reasons stated by the respondents for rejecting the claim of petitioners son for compassionate appointment is that he die not attain majority within two years from the date of death of his father. So far, neither the petitioner nor her son challenged this order dated 30-10-2001. Even assuming that the petitioner is entitled for compassionate appointment, she must possess the requisite qualifications for seeking such appointment.
>
> For the above reasons, either the petitioner or her son is not entitled for any compassionate appointment. However, the respondents are directed to consider the request of the petitioner for payment of exgratia and other benefits expeditiously. The Writ Petition is dismissed at the admission stage."

Against the said order, the present Writ Appeal has been filed.

4. Learned counsel appearing for the appellant submits that even though the case of the son of the deceased-employee was rejected, but yet the respondents did not reject the case of the wife of the deceased-employee. In fact the learned Judge also observed that she should possess the requisite qualification so as to consider her case under Compassionate Appointment Scheme. Under those circumstances, the learned counsel would submit that the case of the appellant is required to be considered in accordance with law.

5. On the other hand, the learned counsel for the respondent-organisation submits that the matter has been decided on merits and the learned Judge has categorically stated that the petitioner and her son are not entitled for compassionate appointment. In such a situation, it is not proper for this Court to interfere with the said order.

6. We have considered the respective contentions raised.

7. It is not in dispute that the employee died in August, 1994. and thereafter, an application was immediately filed, but it was not pursued for the reasons best known to the appellant. Inasmuch as the case of the son has been rejected by the authorities and the case of the wife is yet to be decided on its own merits, we find it appropriate in the interest of justice to direct the authorities to consider the case of the appellant for appointment under Compassionate Appointment Scheme.

7. Accordingly, the Writ Appeal is disposed of directing the appellant to make a representation to the first respondent within a period of three weeks from the date of receipt of a copy of this order and the same shall be considered and disposed of in accordance with Rules within a period of four weeks thereof.

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(G. BIKSHAPATHY, J.)

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(P.S. NARAYANA, J.)

Date: 02-12-2004

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To

1 The Superintending Engineer, N.P.C.P.D.C.L., (Operation) Construction Division, Kamareddy, Nizamabad District.
2 The Chief General Manager (HRD), NPCPDCL, Warangal.
3 The Divisional Engineer, Electrical Operation & Construction Division, NPCPDCL, Kamareddy, Nizamabad District.

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